IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 32239 of 2006(K)

PETITIONER:

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1. ARUN RAJIEV, S/O. RAJIEV MATHEW,
PADATHIL HOUSE, THODUPUZHA P.O.,
THODUPUZHA-685 584.

2. VISHAK G., S/O. S.V.GANAPATHY IYER,
PUTHENKIZHAKKE MADAM, TEMPLE ROAD,
THODUPUZHA, PIN-685 584.

3. ARUN FRANCIS, S/O. FRANCIS THOMAS,
THOTTAKARA HOUSE, MELAMPARA P.O.,
KOTTAYAM DISTRICT, PIN-686 594.

4. VINEETH V., S/O. T.K.VIJAYAKUMAR,
AMBILI HOUSE, KIZHAKKEKARA, MUVATTUPUZHA.

5. MISHNALEKHA R., D/O. T.K.RAJAPPAN,
MUTHUCHIPPY HOUSE, ETTUMANOOR P.O.,
KOTTAYAM-686 631.

6. RESHMI CHANDRAN, D/O. K.N.CHANDRAN,
KUZHICHALIL HOUSE, PERROR P.O.,
KOTTAYAM.

7. KRISHNENDHU PRAKASAN, S/O.V.K.PRAKASHAN,
VAIKATHUKATTIL HOUSE, K.K.ROAD,
CHALAKUDY P.O., THRISSUR DISTRICT,
PIN-680 307.

8. ARUN P.A., S/O. K.V.ANIRUDHAN,
PADINJARE CHAVARKATH HOUSE,
AMBALLOOR P.O., KANJIRAMATTOM,
ERNAKULAM-682 315.

9. SAJNA S., D/O. R.SREENIVASAN,
'SREYAS', PULIMUGHAL ROAD,
CHANGAMPUZHA NAGAR, THRIKKAKARA, KOCHI-33.

10. RINCY THOMAS, D/O. U.V.THOMAS.
URAKKADAN HOUSE, PAZHANGANAD,
KIZHAKKAMBALAM P.O., ERNAKULAM.

**11. BIPIN K. RAJ, S/O. K.R.RAJAPPAN PILLAI,
KUMBALANICKAL HOUSE, EDAVETTY P.O.,
THODUPUZHA-685 588.**

**12. GEORGE ALEXANDER, S/O. P.J.ALEXANDER,
PALIYATH HOUSE, KUMARAMANGALAM P.O.,
THODUPUZHA, IDUKKI - 685 597.**

**13. SREERAG S.N., S/O. NARAYANAN
NAMBOOTHIRI, 'SREESAILAM', KANJIRAMATTOM,
THODUPUZHA EAST P.O., IDUKKI-685 585.**

**14. KAVYA RAVINDRAN, D/O. P.N.RAVINDRAN
NAIR, 'ATHIRA', NEDUMANAL, SANTHIGIRI JUNCTION,
VAZHITHALA P.O., PIN-685 583.**

**15. SREEDEVI K.S., D/O. K.B.SURESH BABU,
MORIAKAT HOUSE, MANGALATH ROAD,
N.PARAVUR, PIN-683 513, ERNAKULAM DISTRICT.**

**16. ANNA ALPHONSA SEBASTIAN,
D/O. V.J.SEBASTIAN, VETTICKATTU HOUSE,
PAZHAYIDOM P.O., CHIRAKADAVU,
KOTTAYAM DISTRICT.**

**17. JISHA RAJAN, D/O. RAJENDRAN PILLAI,
VIZHAPADICKAL HOUSE, KADAVANIKADU P.O.,
KANGAZHA, KOTTAYAM.**

**18. JIYA SAM, D/O. SAM KURIAN,
THOTTUNGAL HOUSE, MUTTOM P.O.,
THODUPUZHA, IDUKKI.**

**19. MAYA P., D/O. PURUSHOTHAMAN NAIR,
THENNATTUPUTHENVEEDU, KUNNUKARA P.O.,
VAYALKARA, PIN-683 524.**

**20. JIBIN GEORGE, S/O. K.C.GEORGE,
KOCHUVEMBILLIL, MUTHALAKODAM P.O.,
THODUPUZHA, IDUKKI DISTRICT, PIN-685 605.**

**21. VISHNU PAVANAN, S/O. LETHA PAVANAN,
'PANVAS', 23/1056, NSS ROAD,
PALLURUTHY, KOCHI-682 006.**

**22. SHREERAMMOHAN, S/O. P.MOHANAKURUP,
'SHOBHALAYAM', KURUMANDAL B,
PARAVUR P.O., KOLLAM-691 301.**

**23. RAJIMOL BALAKRISHNAN, D/O. BALAKRISHNAN
C.E., CHERADIYIL PUTHENPURAYIL,
WEST KODIKULAM P.O., THODUPUZHA-685 582.**

**24. SUMAYYAMOL M.M., D/O. MUHAMMED ISMAYIL,
MUKKIA HOUSE, EDAVETTY P.O.,
THODUPUZHA, IDUKKI - 685 588.**

25. SABITHA K.M., D/O. MOIDEEN,

KUNNEL HOUSE, KALIYAR P.O.,
VANNAPPURAM PLANTATION, IDUKKI.

26. VIPIN P.M., S/O. P.K.MANI,
PARAPPILLIKARAYIL, ENANALLOOR P.O.,
KULAMPOOK, MUVATTUPUZHA.

27. RATHEESH K.P., S/O. P.P.DAMODARAN,
PUTHIYAPURAYIL, CHOOGIYAD,
MALAPPURAM P.O., SREEKANDAPURAM,
KANNUR DISTRICT, PIN-670 631.

28. ULLAS T. ATTUPURAM, S/O. A.M.THOMAS,
ATTUPURATH HOUSE, VAZHITHALA P.O.,
THODUPUZHA, IDUKKI DISTRICT, PIN-685 583.

BY ADV. SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, THIRUVANANTHAPURAM.

2. MAHATMA GANDHI UNIVERSITY,
COLLEGE OF ENGINEERING, UNIVERSITY BUILDING,
KOTTAYAM, REPRESENTED BY ITS REGISTRAR.

3. MAHATMA GANDHI UNIVERSITY,
COLLEGE OF ENGINEERING, MUTTOM,
THODUPUZHA, REPRESENTED BY ITS PRINCIPAL.

BY ADV. SRI. T.A. SHAJI, SC, M.G.UNIVERSITY
GOVT.PLEADER SMT.ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE CERTIFICATE DTD. 5-8-05 ISSUED BY THE PRINCIPAL OF THE THIRD RESPONDENT COLLEGE SHOWING THE TUITION FEE FOR THE 2ND, 3RD AND 4TH YEAR ISSUED TO THE 28TH PETITIONER.**
EXT.P2	**TRUE COPY OF THE COMMUNICATION NO.1959/2/2003/SF III DTD. 12-7-05**
EXT.P3	**TRUE COPY OF CERTIFICATE DTD. 31-8-05 ISSUED BY R3 SHOWING FEE STRUCTURE FOR STUDENTS OF MERIT QUOTA (NOW IN 3RD YR.)**
EXT.P4	**TRUE COPY OF THE REPRESENTATION DTD. 16-8-05**
EXT.P5	**TRUE COPY OF THE JUDGMENT IN W.P.C.NO.26703/05**
EXT.P6	**TRUE COPY OF THE NOTICE DTD. 30-11-06 ISSUED BY THE PRINCIPAL OF THE COLLEGE.**

/True Copy/

PA to Judge.

S. SIRI JAGAN, J.

W.P.(C)NO.32239 OF 2007

DATED THIS THE 15th DAY OF JUNE, 2007

JUDGMENT

The petitioner Nos. 1 to 22 were admitted in the Government merit quota during the academic year 2004-2005 and the petitioners Nos. 23 to 28 were admitted in the Government merit quota under the Lateral Entry Scheme during the academic year 2005-2006 for B.TEch Course in the Mahatma Gandhi University College of Engineering, Muttom, Thodupuzha. The complaint of the petitioners in this writ petition is that the students, who were admitted for the academic year 2003-2004 and 2005-2006 in the Government merit quota are paying fees only at the rate of Rs.25,000/- per year whereas the petitioners are made to pay the fees at the rate of 38,700/- per year which according to them is clearly discriminatory and illegal. Therefore, the petitioners seek the following reliefs.

> "a. To declare that respondents 2 and 3 are entitled to demand or collect fees from the students admitted in the Sate Merit Quota during the academic year 2004-2005 and in the State Merit Quota under the Lateral Entry Scheme during the academic year 2005-2006 only at the same rate of fees collected from merit quota students admitted during the academic years 2003-04 and 2005-06;
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> b. To issue a writ of mandamus or any other appropriate writ, order or direction to

> respondents 2 and 3 to allow the petitioners to continue their study in the 2nd respondent Mahatma Gandhi University College of Engineering, Muttom, Thodupuzha by paying fees applicable to similar students admitted in the merit quota in the same college during 2003-2004 and 2005-2006
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> c. To declare that any reduction of fee introduced shall be uniformly applied to similarly placed students, without discrimination on the basis of the year of admission;
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> d. to direct refund of the excess fee collected from the petitioners and;
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> e. to grant such other and further reliefs as this Hon'ble court may deem fit to grant in the facts and circumstances of the case."

2. I have heard the learned counsel for the petitioners as also the learned standing counsel appearing for the University.

3. The issue involved in this writ petition is squarely covered by my decision in W.P.(c)Nos.26703/05 and 7429/06 in favour of the petitioners, wherein I had held that such demand for fess is discriminatory and unconstitutional. That being so, following that decision, this writ petition is also liable to be allowed.

4. Accordingly, I declare that the petitioners in this writ petition are not liable to pay and respondents 2 and 3 are not entitled to demand or collect fees in excess of the fees payable by merit quota students admitted during the academic years 2003-2004 and 2005-2006. The excess amount collected, if any, shall be either refunded to the petitioners or adjusted against the tuition fees payable for

subsequent years. Orders in this regard shall be issued and refund or adjustment made within two weeks from the date of receipt of a copy of this judgment, failing which the amount shall carry interest at the rate of 10% per annum from the date of collection till date of payment.

The writ petition is allowed as above.

S. SIRI JAGAN, JUDGE

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